

Kansas Department of Agriculture
 Division of Water Resources
CHANGE: P/U WORKSHEET

Document Signature LPL

1. File Number: 46419	2. Status Change Date: 5/25/2017	3. Change Num: C1	4. Field Office: 01	5. GMD:
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6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return	7. Filing Date of Change: 4/17/17
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8a. Applicant(s) Person ID _____ New to system <input type="checkbox"/> Add Seq# _____ SCOTT HOWE 12780 MADISON RD RILEY KS 66531-9521	8c. Landowner(s) Person ID _____ New to system <input type="checkbox"/> Add Seq# _____
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8b. Landowner(s) Person ID 64302 New to system <input type="checkbox"/> Add Seq# _____ SCOTT E. & ROSETTA H HOWE 12780 MADISON RD RILEY KS 66531-9521 (NAME CHANGE)	8d. WUC Person ID 64302 New to system <input type="checkbox"/> Add Seq# _____ 8B
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9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: **12/31/18** N & P Date to Comply: _____

Check Valve N & P Form Water Tube Driller Copy H & E Letter

Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____

10. Use Made of Water From: _____ To: _____

Date Prepared: **5/10/17** By: **LI**
 Date Entered: **5/25/2017** By: **LLM**

File No. **46419** 11. County: **RL** Basin: **KANSAS RIVER** Stream: **NA** Formation Code: **540** Special Use: **NA**

12. Points of Diversion										Rate and Quantity					
T										Authorized		Additional			
MOD	DEL	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment	Rate gpm/cfs	Quantity af/mgy	Rate gpm/cfs	Quantity af/mgy	Overlap PD Files

NO CHANGE

13. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

14. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) **NO CHANGE**
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

15. 5YR Allocation: Allocation Type _____ Start Year _____ 5 YR Amount _____ Amount Unit _____ Base Acres _____ Comment _____

16. Place of Use										NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files	
T																														
MOD	DEL	ENT	PUSE	S	T	R	ID	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼							
MOD	57677	35	8	5E	1																									
MOD	57676	2	9	5E	1			3	23																					

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: File

DATE: May 12, 2017

FROM: Leslie Ireland

RE: Appropriation of Water, File No. 46,419

Scott E. & Rosetta H. Howe, owners of the irrigated place of use under the referenced file submitted to change the place of use on April 17, 2017. The application is being processed with a certificate for the referenced file and a new application under File No. 49,768.

The appropriation appears to be in compliance with K.S.A. 82a-732 and the application complies with K.A.R. 5-5-2a. The new application notified nearby owners of the changes, so it appears the required notification has been made.

The referenced file certified 135 gallons per minute (gpm) for the diversion of 31.5 acre-feet (AF) of groundwater from a battery of two(2) wells for the irrigation of 46 acres of a tree farm or specialty plant nursery which is located in two separate townships. The place of use is in the eastern part of Section 35, Township 8, and Section 2, Township 9, both in Range 5 East, Riley County. The certificate indicates the maximum acres authorized during perfection was 18 acres. The certificate also updated the location of the points of diversion and moved the geo center of the battery approximately 100 feet. The referenced appropriation has no additional limitations and is not indicated to be in a special use area.

The change is to enlarge the place of use from 46 to 144 acres of nursery stock for landscaping. The place of use is expanding from the Northeast Quarter (NE $\frac{1}{4}$) of Section 2, Township 9 South, into the Southeast Quarter (SE $\frac{1}{4}$) of Section 35, Township 8 South, all in Range 5 East, Riley County. A complete and identical overlap is proposed to be made with the new appropriation under File No. 49,768. The new appropriation has been reviewed and will be permitted for the full requested quantity of 157.3 AF and will include the 31.5 AF authorized under the referenced file for a total of 188.8 AF. The summary memo completed by Doug Schemm, Environmental Scientist, Topeka Field Office, indicated the proposed irrigation use is for a specialty crop, and the requested quantity complies with Part (c)(1) of K.A.R. 5-3-20, *Maximum reasonable annual quantity of water approvable for a new appropriation of water for irrigation use*. The referenced file will be processed by K.A.R. 5-5-11(b)(6), *Applications to change the place of use for irrigation purposes*, in that the hydrologic analysis resulting in the permitting of the new appropriation to provide additional quantity will assure the consumptive use under File No. 46,419, will not increase. It appears the proposed change complies with K.A.R. 5-5-3, *Consumptive use*.

A water conservation plan meeting the guidelines of the Kansas Water Office will not be required as there appears to be sufficient quantity authorized for the use. A water flowmeter will be required pursuant to K.A.R. 5-5-11. Check valves will be required if chemigating.

The proposed change was submitted to Katie Tietsort, Water Commissioner, of the Topeka Field Office for a recommendation. In a May 11, 2017, E-mail she indicated that she had no objection to the approval of the change in place of use with the approval of the new appropriation, File No. 49,768.

Based on the above discussion, that the change is reasonable, the historical consumptive use will not substantially be increased due to the approval of the new appropriation, impairment to existing water rights is unlikely, and that no change in the local source of supply will occur, it is recommended that the referenced application be approved.



Leslie Ireland
Environmental Scientist
Water Appropriation Program

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

May 26, 2017

Governor Sam Brownback

SCOTT E. & ROSETTA H. HOWE
12780 MADISON RD
RILEY KS 66531-9521

FILE COPY

RE: Water Right, File No. 46,419

Dear Mr. & Mrs. Howe:

Enclosed is the order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the above referenced file number.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approval for change. A condition of the approval is that an acceptable water flowmeter must be installed on the diversion works authorized under the referenced file.

Since this order modifies the original document referred to above, it should be recorded with the Register of Deeds as other instruments affecting real estate.

Please be reminded that reports of water usage must be submitted to this office annually. Records indicating the amount of water used should be furnished to the Chief Engineer by March 1 following the end of the previous calendar year so that the continued use of water becomes a matter of record in this office. The owner, or his or her legally designated agent, is held responsible for submitting annual water use reports. Failure to file an accurate water use report is a violation of law which makes you subject to civil penalties.

If you have any questions, please contract Leslie Ireland, Environmental Scientist, at (785) 564-6633. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

A handwritten signature in black ink, appearing to read "Brent A. Turney".

Brent A. Turney, P.G.
Change Applications Unit Supervisor

BAT:LI:li

Enclosures

pc: Topeka Field Office



KANSAS DEPARTMENT OF AGRICULTURE
 Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
 David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION
 FOR
 CHANGE IN PLACE OF USE
 WATER RIGHT, FILE NO. 46,419**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Scott E. & Rosetta H. Howe, 12780 Madison Road, Riley, Kansas 66531-9521, received in the office of the Chief Engineer on April 17, 2017, for approval of a change in the location of the place of use under the certificate of appropriation issued pursuant to the permit to appropriate water for beneficial use, finds that the change is reasonable and will not impair existing rights, and that the application should be and is hereby approved.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized location of the place of use shall be:

Sec. Twp. Range	NE¼				NW¼				SW¼				SE¼				TOTAL
	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
35 8 S 5 E													19.0	40.0	40.0	19.0	118
2 9 S 5 E	3.0	23.0															26

a total of 118 acres, in Section 35, Township 8 South, and 26 acres in Section 2, Township 9 South, both in Range 5 East, Riley County, Kansas,

located substantially as shown on the topographic map accompanying the application to change the place of use.

All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

The water right owner shall properly install an acceptable water meter on the diversion works authorized under this water right, prior to the use of water, in strict accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The water right owner shall notify the Chief Engineer when installation of the water meter has been completed. The water right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer, at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The water right owner shall also report the reading of said water meter and the total quantity of water diverted annually to the Chief Engineer. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 46,419, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated 5/24/17.

This Order shall become a final agency action, as defined by K.S.A. 77-607(b), without further notice to the parties, if a request for hearing or a petition for administrative review is not filed as set forth below.

Request for Hearing. According to K.A.R. 5-14-3(c), any party who desires a hearing must submit a request within 15 days after the date shown on the Certificate of Service attached to this Order. Filing a request for a hearing will give you the opportunity to submit additional facts for consideration, contest any findings made by the Chief Engineer or present any other information you believe should be considered in this matter. A timely-filed request for hearing will stay the deadline for requesting administrative review of this Order pending the outcome of the hearing.

Petition for Review. Any person aggrieved by this Summary Order may petition for administrative review, pursuant to K.S.A. 82a-708b(a) and K.S.A. 82a-1901(a). The petition must be filed within 30 days after the date shown on the Certificate of Service attached to this Order and must set forth the basis for the review, unless stayed by the timely filing of a request for hearing.

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564 - 6777.

Ordered this 25th day of May, 2017, at Topeka, Shawnee County, Kansas.

Lane P. Letourneau

Lane P. Letourneau, P.G.
Program Manager
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 25th day of May, 2017, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Karen Hunter
Notary Public

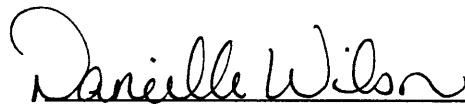
CERTIFICATE OF SERVICE

On this 26th day May, 2017, I hereby certify that the attached Approval of Application for Change in Place of Use, Water Right, File No. 46,419 dated, May 25, 2017 was mailed postage prepaid, first class, US mail to the following:

Scott E. & Rosetta H. Howe
12780 Madison Rd
Riley, KS 66531-9521

With photocopies sent to:

Topeka Field Office



Division of Water Resources

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, Kansas 66502
http://agriculture.ks.gov/dwr

**APPLICATION FOR APPROVAL TO
CHANGE THE PLACE OF USE, THE
POINT OF DIVERSION OR THE USE
MADE OF THE WATER UNDER AN
EXISTING WATER RIGHT**



State of Kansas

Filing Fee Must Accompany the Application
(Please refer to Fee Schedule on signature page of application form.)

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

WATER RESOURCES
RECEIVED

1. Application is hereby made for approval of the Chief Engineer to change the

- (Check one or more)
- Place of Use
 - Point of Diversion
 - Use Made of Water

WATER RESOURCES
RECEIVED

APR 17 2017

11:41
KS DEPT OF AGRICULTURE

UNACCEPTABLE FOR PRIORITY

APR 18 2017
10:49
KS DEPT OF AGRICULTURE

File No. 46,419

2. Name of applicant: SCOTT HOWE

Address: 12780 MADISON RD

City, State and Zip: RILEY KS 66531-9521

Phone Number: (785) 556-0280 E-mail address: scotthowe.hd@gmail.com

What is your relationship to the water right; owner tenant agent other? If other, please explain. _____

Name of water use correspondent: same as applicant

Address: _____

City, State and Zip: _____

Phone Number: () _____ E-mail address: _____

3. The change(s) proposed herein are desired for the following reasons (please be specific): _____

Change will create a complete overlap with new application in expanded place of use.

The change(s) (was) (will be) completed by Spring 2017

(Date)

for Office Use Only:									
NO	<u>GMD</u>	<u>Meets K.A.R. 5-5-1 (YES/NO)</u>	Use <u>FR</u>	Source <u>G/S</u>	County <u>PL</u>	By <u>ADW</u>	Date <u>4/13/17</u>		
code	<u>CPU</u>	Fee \$ <u>200</u>	TR # _____	Receipt Date <u>4/17/17</u>	Check # <u>0425</u>				

APPLICATION COMPLETE

5/10/17
Reviewer LI

SCANNED

4/15/2017 CM

4. The presently authorized place of use is:

Owner of Land — NAME: SCOTT HOWE

ADDRESS: 12780 MADISON RD, RILEY KS 66531-9521

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
35	8S	5E															18	2	20
2	9S	5E	3	23															26

List any other water rights that cover this place of use. NONE

Owner of Land — NAME: _____

ADDRESS: _____

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

List any other water rights that cover this place of use. _____

(If there are more than two landowners, attach additional sheets as necessary.)

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: SCOTT HOWE

ADDRESS: 12780 MADISON RD, RILEY KS 66531-9521

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
35	8S	5E													19	40	40	19	118
2	9S	5E	3	23															26
																			TOTAL 144*

List any other water rights that cover this place of use. PENDING NEW APPLICATION 49,768

Owner of Land — NAME: _____

ADDRESS: _____

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

List any other water rights that cover this place of use. _____

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

WATER RESOURCES RECEIVED

WATER RESOURCES RECEIVED

*x L1 owl
5/9/17.*

UNACCEPTABLE PRIORITY

APR 17 2017

KS DEPT OF AGRICULTURE

KS DEPT OF AGRICULTURE

SCANNED

11. The presently authorized use of water is for IRRIGATION purposes.

It is proposed that the use be changed to NO CHANGE purposes.

12. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.

NEW APPLICATION WILL ENSURE NO INCREASE IN CONSUMPTIVE USE.

(Please show any calculations here.)

13. It is requested that the maximum annual quantity of water be reduced to _____ (acre-feet or million gallons).

14. It is requested that the maximum rate of diversion of water be reduced to _____ gallons per minute (____ c.f.s.).

15. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 (www.usgs.gov). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.

a. If a change in the location of the point(s) of diversion is proposed, show:

- 1) The location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Please be certain that the information shown on the map agrees with the information shown in Paragraph Nos. 9, 10 and 11 of the application.
- 2) If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within 1/2 mile of the proposed well or wells. Identify each well as to its use and furnish name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please indicate so on the map.
- 3) If the source of supply is surface water, the names and mailing addresses of all landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.

b. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.

16. Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the same local source of supply as to which the water right relates. This information may include statements, plats, geology reports, well logs, test hole logs, and other information as necessary information to show the above. Additional comments may be made below.

NO PHYSICAL CHANGES TO EXISTING WELLS

17. If the proposed change(s) does not meet all applicable rules and regulations of the Kansas Water Appropriation Act, please identify the rules and regulations for which you request a waiver. State the reason why a waiver is needed and why the request should be granted. Attach documentation showing that granting the request will not impair existing water rights and will not prejudicially and unreasonably affect the public interest.

N/A

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

WATER RESOURCES RECEIVED

WATER RESOURCES RECEIVED

APR 17 2017

APR 03 2017 UNACCEPTABLE FOR PRIORITY

KS DEPT OF AGRICULTURE

KS DEPT OF AGRICULTURE

SCANNED

- 6. The presently authorized point(s) of diversion (is) (are) BATTERY OF 2 WELLS
(Provide description and number of points)
- 7. The proposed point(s) of diversion (is) (are) NO CHANGE
(Provide description and number of points)

List all presently authorized point(s) of diversion:

Geo Center of 2 wells Conflicts Issued DOT

8. **Presently authorized point of diversion:**
 One in the NE Quarter of the NW Quarter of the NE Quarter of Section 2, Township 9 South, Range 5E (E/W), in RILEY County, Kansas, 5190 feet North 1737 feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____
 (DWR use only: Computer ID No. 3 GPS 5242 feet North 1822 feet West)
 This point will not be changed This point will be changed as follows: 10/26/11 PERFECTION INSPECTION
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

BATTERY WELL

9. **Presently authorized point of diversion:**
 One in the NE Quarter of the NW Quarter of the NE Quarter of Section 2, Township 9 South, Range 5E (E/W), in RILEY County, Kansas, 5190 feet North 1737 feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____
 (DWR use only: Computer ID No. 2 GPS 5242 feet North 1822 feet West)
 This point will not be changed This point will be changed as follows: _____
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

BATTERY WELL

10. **Presently authorized point of diversion:**
 One in the SE Quarter of the SW Quarter of the SE Quarter of Section 35, Township 8 South, Range 5E (E/W), in RILEY County, Kansas, 5 feet North 1536 feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____
 (DWR use only: Computer ID No. 1 GPS 666 feet North 1729 feet West)
 This point will not be changed This point will be changed as follows: _____
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. _____

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

WATER RESOURCES RECEIVED UNACCEPTABLE FOR PRIORITY

APR 17 2017

Any use of water that is not as authorized by the water right or permit to authorize water **before** the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at _____, Kansas, this 03 day of April, 20 17.

Scott E. Howe
(Owner)
SCOTT E HOWE
(Please Print)

(Owner)

(Please Print)

(Owner)

(Please Print)

Rosetta H. Howe
(Spouse)
ROSETTA H. HOWE
(Please Print)

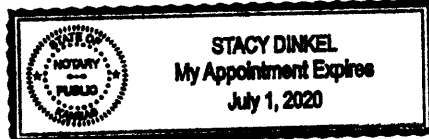
(Spouse)

(Please Print)

(Spouse)

(Please Print)

State of Kansas }
County of Riley } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 3 day of April, 20 17.

Stacy Dinkel
Notary Public

My Commission Expires 07-01-2020.

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200
- (4) Application to change the use made of the water \$300

Make check payable to **Kansas Department of Agriculture.**

WATER RESOURCES RECEIVED WATER RESOURCES RECEIVED
UNACCEPTABLE FOR PRIORITY APR 17 2017
KS DEPT OF AGRICULTURE KS DEPT OF AGRICULTURE
SCANNED

Ireland, Leslie

From: Tietsort, Katie
Sent: Thursday, May 11, 2017 8:50 AM
To: Ireland, Leslie
Cc: Schemm, Doug
Subject: RE: Recommendation for Change in PU, File No. 48419_ Howe

Thanks Leslie,

Yes, Doug told me we are close on the certificate, so I was fine moving forward with these. I agree with this one too, it meets all the regulations and will allow for the complete overlap. Thanks for all your work!

Katie

Katie Tietsort

Kansas Department of Agriculture
6531 SE Forbes Ave Ste B
Topeka, KS 66619
katie.tietsort@ks.gov
Phone 785-296-5733

From: Ireland, Leslie
Sent: Wednesday, May 10, 2017 3:11 PM
To: Tietsort, Katie <Katie.Tietsort@ks.gov>
Cc: Schemm, Doug <Doug.Schemm@ks.gov>
Subject: Recommendation for Change in PU, File No. 48419_ Howe

Katie,

The draft certificate for this right has a few more days to run, but put the summary memo together based on the draft as the overall pretense of the project will not change. I noticed you recommended approval of the new application.

Please let me know if you would recommend this change.

As always comments and concerns are welcome.

Leslie Ireland, Environmental Scientist II
Kansas Department of Agriculture
Division of Water Resources - Change Unit
(785) 564-6633
Leslie.Ireland@ks.gov
www.agriculture.ks.gov

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

SCOTT HOWE
12780 MADISON RD
RILEY, KS 66531

FILE COPY

April 18, 2017

RE: File No. 46419

Dear Sir or Madam:

An application for approval of the Chief Engineer to change the following condition or conditions of the file number referred to above has been received:

- place of use PU
- point of diversion
- use made of water

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore, to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. You will be contacted regarding this application as soon as it has been examined.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water prior to approval of the application is unlawful. You should not proceed and divert water as indicated by your plans in your application for a change for this file until you receive approval for this change from the Chief Engineer. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.

(b) (1) The violation of any provision of this section by any person is a class C misdemeanor...

A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.

If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

A handwritten signature in cursive script that reads "Brent A. Turney".

Brent A Turney, L.G.
Change Applications Unit Supervisor
Water Appropriation Program

BAT: DLW
pc: TOPEKA Field Office GMD

THE STATE



OF KANSAS

DRAFT

KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**CERTIFICATE OF APPROPRIATION
FOR BENEFICIAL USE OF WATER**

WATER RIGHT, File No. 46,419

PRIORITY DATE February 27, 2006

5242 1822
5190 1737
52 85
204 7225
99.6

WHEREAS, It has been determined by the undersigned that construction of the appropriation diversion works has been completed, that water has been used for beneficial purposes and that the appropriation right has been perfected, all in conformity with the conditions of approval of the application pursuant to the water right referred to above and in conformity with the laws of the State of Kansas.

NOW, THEREFORE, Be It Known that DAVID W. BARFIELD, the duly appointed, qualified and acting Chief Engineer of the Division of Water Resources of the Kansas Department of Agriculture, by authority of the laws of the State of Kansas, and particularly K.S.A. 82a-714, does hereby certify that, subject to vested rights and prior appropriation rights, the appropriator is entitled to make use of groundwater to be withdrawn by means of a battery of two (2) wells with a geographic center located in the Northeast Quarter of the Northwest Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 2, more particularly described as being near a point 5,242 feet North and 1,822 feet West of the Southeast corner of said section, in Township 9 South, Range 5 East, Riley County, Kansas, at a diversion rate not in excess of **135 gallons per minute (0.30 c.f.s.)** and a quantity not to exceed **31.5 acre-feet** of water per calendar year for **irrigation use** on the following described property:

18 acres in the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$),
2 acres in the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$),

a total of 20 acres in Section 35, Township 8 South, and

3 acres in the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$),
23 acres in the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$),

a total of 26 acres in Section 2, Township 9 South,

all in Range 5 East, Riley County, Kansas.

The maximum authorized acres that were lawfully irrigated in any one calendar year during the perfection period were 18 acres.

(over)

Water Rights and Points of Diversion Within 1.50 miles of point defined as:

5242 ft N and 1822 ft W of the SE Corner of Section 2, T 9S, R 5E

Located at: 96.837081 West Longitude and 39.305987 North Latitude

GROUNDWATER ONLY

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File Number   Use ST SR Dist (ft) Q4 Q3 Q2 Q1 FeetN FeetW Sec Twp Rng ID Batt Auth_Quan Add_Quan Unit
A__  9046 00 MUN NK G      3671 -- SW NE NW 4015 3687 1  9  5E  1          52.82   52.82 AF
Same          3483 -- NW NE NW 5270 3625 1  9  5E  3
Same          1662 -- NW SE NE 3914  823  2  9  5E  2
A__  33474 00 MUN NK G     3088 -- NW SW NW 3423 4693 1  9  5E  9 G  2          26.97   26.97 AF
Same          2976 -- NW SW NW 3628 4679 1  9  5E  7 B  2
Same          3208 -- SW SW NW 3218 4708 1  9  5E  8 B  2
A__  46308 00 MUN LO G     3593 -- NW NE NW 4646 3584 1  9  5E  2          41.43   41.43 AF
A__  46309 00 MUN LO G     3088 -- NW SW NW 3423 4693 1  9  5E  9 G  2          43.59   43.59 AF
Same          2976 -- NW SW NW 3628 4679 1  9  5E  7 B  2
Same          3208 -- SW SW NW 3218 4708 1  9  5E  8 B  2
A__  46419 00 IRR MM G*    100 -- NE NW NE 5190 1737 2  9  5E  3 G  2          50.60   50.60 AF
Same          321 -- SE SW SE      5 1536 35  8  5E  1 B  2
Same          188 -- NE NW NE 5094 1938 2  9  5E  4 B  2
A__  49768 00 IRR AY G     100 -- NE NW NE 5190 1737 2  9  5E  3 G  2          157.30  157.30 AF
Same          321 -- SE SW SE      5 1536 35  8  5E  1 B  2
Same          188 -- NE NW NE 5094 1938 2  9  5E  4 B  2
VRL      2 00 MUN AA G     3593 -- NW NE NW 4646 3584 1  9  5E  2          19.95   19.95 AF
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Total Net Quantities Authorized:   Direct           Storage
Total Requested Amount (AF) =      157.30           .00
Total Permitted Amount (AF) =         .00           .00
Total Inspected Amount (AF) =       85.02           .00
Total Pro_Cert Amount (AF) =       50.60           .00
Total Certified Amount (AF) =       79.79           .00
Total Vested Amount (AF) =        19.95           .00
TOTAL AMOUNT (AF) =        392.66           .00
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An * after the source of supply indicates a pending application for change for the file number.
 An * after the ID indicates a 15 AF exemption was granted for the file number.
 A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.
 The number in the Batt column is the number of wells in the battery.

Water Rights and Points of Diversion Within 1.50 miles of point defined as:

96.837081 West Longitude and 39.305987 North Latitude

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

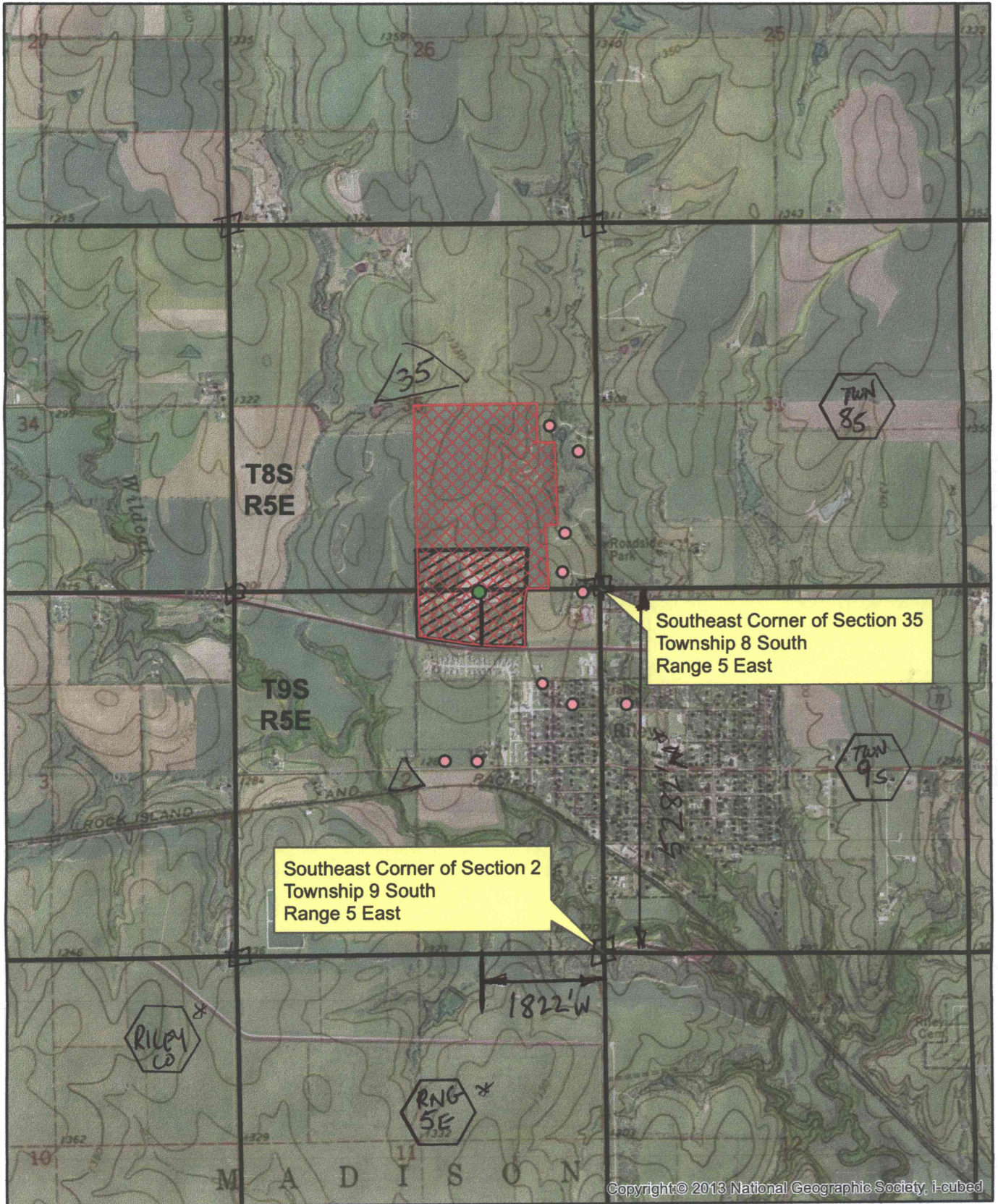
```

=====
File Number   Use ST SR
A__  9046 00 MUN NK G
> CITY OF RILEY
> CITY CLERK
> PO BOX 314
> RILEY KS 66531
>-----
A__  33474 00 MUN NK G
> CITY OF RILEY
> CITY CLERK

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1:24,000

FILE NO. 46,419
CHANGE IN PLACE OF USE
SITE MAP



Authorized Place of Use



Proposed Place of Use



Point of Diversion



Nearby Well

WATER RESOURCES RECEIVED

UNACCEPTABLE FOR PRIORITY

APR 03 2017

WATER RESOURCES RECEIVED

APR 17 2017

* LI/Div FROM CERTIFICATE -

KS DEPT OF AGRICULTURE

* See Attached Site Map from Application File No. 49,768.

KS DEPT OF AGRICULTURE

SCANNED

Applicant Scott Howe New Application

49768



- 1) Tremblay 7595 Falcon Rd
- 2) Autumn Hills LLC 7621 Falcon Rd
- 3) Russell Simons 7765 Falcon Rd
- 4) STEINER, Westow
- 5) BRAD STARNES 7925 Falcon Rd.
- 6) Vicki Rooney-Hoff 9) 32234
- 7) W ADE WALTERS 8) 9046

Place of Use

Point of Diversion

All wells of any kind within a half mile of the proposed point(s) of diversion have been plotted.

Date

APR 17 2017

JAN 21 2017

1 inch = 2,000 feet
KAB/DWR
UNACCEPTABLE FOR PRIORITY
Date: APR 03 2017

KS DEPT OF AGRICULTURE WATER RESOURCES RECEIVED

KS DEPT OF AGRICULTURE WATER RESOURCES RECEIVED

KS DEPT OF AGRICULTURE

SCANNED